REMARKS/ARGUMENTS

We have amended the claims to more clearly point out and distinctly claim the invention. And we have added new claims 21 and 22 each of which depends form claim 7. After entering the amendments claims 1-22 will be pending in this application.

The examiner provisionally rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting over claims 1-24 and 26-28 of copending Application No. 10/778,371. As the basis for this rejection, the examiner argued:

> ...claims 1, 2 and 26 only require that the first and second pinhole arrays be "displaced" from each other, further claim 28 only requires that the spots be "on or in the object". These claims are of such scope so as to include the limitations of independent claims 1-4 of the instant application that are narrower in scope by the further definition of the displacement of the first and second pinhole arrays."

The issue is whether the invention as defined in the present claims is an obvious variation of the invention claimed in the '371 patent application. Using this standard, we note that claim 1 of the present application recites the following features, none of which are recited or even suggested in the claims of the '371 application:

> ...an interferometer that images the array of pinholes of the source-side pinhole array onto a first array of spots located in front of an object plane located near where the object is positioned and onto a second array of spots behind the object plane, wherein the first and second arrays of spots are displaced from each other in both a direction normal to the object plane and a direction parallel to the object plane, said interferometer also imaging the first arrays of spots onto a first image plane that is behind the detector-side pinhole array and imaging the second array of spots onto a second image plane that is in front of the detector-side pinhole array wherein each spot of the imaged first array of spots is aligned with a corresponding different spot of the imaged second array of spots and a corresponding different pinhole of the detector-side pinhole array.

More specifically, none of the claims in the '371 application discloses that the first array of spots is located in front of the object plane while the second array of spots is located behind the object plane. At most, the claims of the '371 application recite that the two arrays of spots are displaced from each other:

> ...the first and second arrays of spots are displaced from each other so each pinhole of the source-side pinhole array is imaged onto two corresponding different locations that are displaced from each other

But nothing in any of the claims of the '371 application discloses or suggests that the displacement might be such that the imaged first array of spots is located in front of the object plane while the imaged second array of spots is located behind the object plane, as recited in present claim 1. Indeed, according to the '371 specification, that first and second arrays of spots are both imaged onto the same plane, not two parallel planes that are displaced from each other.

Also, none of the claims in the '371 application discloses or suggests "imaging the first arrays of spots onto a first image plane that is behind the detector-side pinhole array and imaging the second array of spots onto a second image plane that is in front of the detector-side pinhole array wherein each spot of the imaged first array of spots is aligned with a corresponding different spot of the imaged second array of spots and a corresponding different pinhole of the detector-side pinhole array." On the contrary claim 1 of the '371 application recites that the two imaged arrays of spots are in the same plane, namely, the plane of the detector-side pinhole array and that each spot of the first array and its corresponding spot of the second array is imaged onto the same location, namely the corresponding hole in the detector-side pinhole array:

> ...also imaging both the first and second array of spots onto the detector-side pinhole array so that each spot of the first array of spots and its corresponding spot of the second array of spots is imaged onto a corresponding pinhole of the detector-side pinhole array

Indeed, according to the '371 specification, that first and second arrays of spots are both imaged onto the plane of the detector-side pinhole array.

With regard to claim 2 of the present application, we note that it also recites features, none of which are recited or even suggested in the claims of the '371 application. More specifically, it recites:

> ...an interferometer that images each pinhole of the source-side pinhole array onto a corresponding different pair of two locations, one of which lies in a first object plane and the other of which lies in a second object plane that is parallel to and displaced from the first object plane, thereby generating a first image of the source-side pinhole array in the first object plane and a second image of the source-side pinhole array in the second object plane,

As noted above, nothing in the claims of the '371 application discloses or suggests that the source-side pinhole array is imaged onto two planes that are displaced from each other. Indeed, according to the '371 specification, that first and second arrays of spots that are produced are both in the same plane.

With regard to claim 3 of the present application, we note that it recites limitations that are similar to those discussed above in connection with claim 2. More specifically, it recites that:

> ...a first object plane and a second object plane that is displaced from and parallel to the first object plane
>
> ...an interferometer that receives a beam from a selected pinhole of the source-side pinhole array and converges a first part of that received beam onto a corresponding first location in the first object plane and a second part of that received beam onto a corresponding second location in the second object plane,

As noted previously, nothing in the claims of the '371 application discloses or suggests that the first and second arrays of spots are imaged onto two planes that are displaced from each other.

Claim 4 of the present application has limitations similar to those discussed above in connection with claim 1 and thus for the same reasons is not obvious in view of the claims of the '371 application.

Thus, we submit that the obviousness-type double patenting rejections are improper in this situation.

For the reasons stated above, we believe that the claims are allowable and therefore ask the Examiner to allow them to issue.

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Respectfully submitted,

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